

**IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE**

**CIV-2024-412-37
CIV-2024-412-38
CIV-2024-412-40
CIV-2024-412-41
CIV-2024-412-42**

BETWEEN

OTAGO FISH AND GAME COUNCIL
AND CENTRAL SOUTH ISLAND FISH
AND GAME COUNCIL,
KĀI TAHU RŪNANGA,
QUEENSTOWN LAKES DISTRICT
COUNCIL,
OCEANA GOLD (NEW ZEALAND)
LIMITED,
ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
Appellants

AND

OTAGO REGIONAL COUNCIL
Respondent

Hearing: On the papers

Date of Minute: 13 June 2024

MINUTE OF HARLAND J

[1] The appellants have all filed appeals against decisions of the Otago Regional Council (Council) on the freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021 (the proposed Otago RPS). There are various interested parties in these proceedings who have filed notices of intention to appear. These are the Dunedin City Council, Manawa Energy Ltd, Beef and Lamb New Zealand Ltd, Otago Water Resource Users Group, NZ Ski Ltd, Federated Farmers of New Zealand Incorporated, Contact Energy, Dairy NZ Ltd, Real Group Ltd, Fonterra

Ltd and Central Otago District Council. Counsel for all interested parties have also signed the joint memorandum.

[2] The first case management conference was set down for all appeals on 17 June 2024 at 2.00 pm via telephone conference.

[3] I have today received a joint memorandum of counsel dated 12 June 2024, the contents of which enabled me to vacate the telephone conference and make the directions I have outlined in this minute by consent. Counsel are thanked for their proactive and helpful approach to these procedural matters.

[4] On the basis of the procedural agreements reached, I agree to vacate the telephone conference and to adjourn it, as outlined below.

[5] Given the number of appeals and parties, I have been allocated to case manage the appeals, although not necessarily to hear them should they proceed to a hearing.

[6] The parties have agreed to participate in mediation as it is considered that some points on appeal may be able to be resolved. The parties propose to jointly engage a suitably qualified mediator and that mediation will be split by topic, with the cost of the mediator for each topic shared equally between the parties to that topic.

[7] I agree that it is appropriate to jointly case manage each of the appeals and that it may make sense for them to be heard together. Whether in fact a joint hearing is allocated can be further discussed at a later date. It seems likely that this will be the most efficient way to deal with the appeals but the procedural aspects relevant to this can be ironed out at a later date.

[8] I make the following directions by consent:

- (a) the appeal is categorised as a category 2B proceeding for the purposes of r 14.3 of the High Court Rules 2016 (HCR);
- (b) the appeal is to proceed in the Dunedin Registry but will be case managed from the Christchurch Registry;

- (c) the requirement for the appellants to pay security for costs is waived; and
- (d) there is no necessity for the Solicitor-General to be served with a copy of the appeals.

[9] The next available date for a case management conference before me will be on *Wednesday 2 October 2024 at 2.15 pm*. If the parties consider a more pressing conference date is required, then it will need to proceed before another Judge. On the assumption that this date is acceptable, I further direct that a joint memorandum or, if that is not possible, memoranda be filed by *5.00 pm on Friday 27 September 2024*.

Harland J